IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No.938 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BECHARBHAI RANCHHODBHAI NANDANI

Versus

RAMSHIBHAI NARANBHAI CHAVDA

Appearance:

MR ANSHIN H DESAI for Applicant Nos.1-2

MR RC KAKKAD for Respondent No. 1-2

MR PC KAVINA for Respondent No. 3

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 19/10/2002

ORAL JUDGEMENT

1. The present Revision Application is filed against the order passed by the learned 9th Joint Civil Judge (S.D.), Rajkot on 16.08.2001, below an application Ex.23, in Regular Civil Suit No.1009 of 2001, whereby the application preferred by the present applicants, under Order 1 Rule 10 of the Civil Procedure Code, for joining the present applicants as parties in the said Civil Suit

was rejected. The impugned order is an interim order and the main Civil Suit is still pending before the trial Court. In view of the provision under Section 115 of the Civil Procedure Code, the present Revision Application is not maintainable and hence, it is rejected. It is, however, open to the applicants to challenge the impugned order before this Court by way of Special Civil Application under Articles 226 & 227 of the Constitution of India. Interim relief granted earlier shall continue upto 25-11-2002.

2. With the above observations, the present Revision Application is rejected. This Civil Revision Application is rejected only on the ground of non-maintainability and this Court has not gone into the merits of the matter. Rule discharged. No order as to costs. Liberty to apply. Sd/-

[K.A.PUJ,J]

'Bhavesh'